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January 20, 2012

Honorable William F. Kuntz, III, United States District Judge
Honorable Lois Bloom, United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Wrubel v. John Hancock
Docket No. 11-cv-01873 (WF)(LB)

Dear Judge Kuntz and Magistrate Judge Bloom:

By consent of all parties, the parties are requesting an extension, until March 28, 2012, to complete fact discovery and exchange of expert reports.

Request for Extension of Time:

1. Date of Completion of Fact Discovery and Exchange of Expert Reports: February 29, 2012
2. Additional time Needed: March 28, 2012
3. Number of Previous Requests for Extension: One, on November 28, 2011
4. Previous Request Granted: Yes
5. Consent: Yes, Defendant consents to extension of time
6. The extension will affect other scheduled dates. A copy of a proposed revised Discovery Order is attached.

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Reason for Request:

On Thursday, January 12, 2012, David BenHaim, the attorney primarily handling this litigation encountered a medical emergency and was hospitalized on Monday, January 16, 2012. The doctor predicts that the earliest date that he can return to work will be the end of January 2012.

Since the parties requested an extension of the discovery deadlines in November 2011, the parties have been actively engaged in completing discovery:

1. John Hancock (U.S.A.) has taken a non-party deposition of the insured's accountant, Mr. Chaim Berkowitz on December 20, 2012;
2. John Hancock deposed Plaintiff, Trustee, for a full day on January 11, 2012 and Plaintiff has agreed to produce additional documents identified in her deposition;
3. John Hancock (U.S.A.) has subpoenaed the following four non-party witnesses noticing their depositions for January 25 and 26 and February 1 and 2, 2012, respectively: Mr. Joel Goldberger, Mr. Herman Jacobowitz, Mr. Mordechai Rubin and a 30(b)(6) witness from Empire Insurance Business (insurance brokers and business managers who acted for Trustee);
4. Both parties have served interrogatories and responses and have exchanged letters in an attempt to resolve issues concerning each other's interrogatory responses, document responses and produced documents. As a result of these letters concerning discovery, John Hancock (U.S.A.) is preparing an additional production of documents;
5. On January 9, 2012, John Hancock (U.S.A.) served its First Set of Requests to Admit to Plaintiff in an attempt to narrow the issues for trial.
6. Furthermore, John Hancock (U.S.A.) has issued a document subpoena to Plaintiff's bank, Chase Manhattan, and has been informed that documents responsive to the subpoena were mailed on January 17, 2012; and
7. John Hancock (U.S.A.) has requested the insured's, Sara Hollander, tax returns from the Internal Revenue Service, which should be available in the middle of February.

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In light of the medical emergency, the parties are requesting a stay of litigation for 30 days except that John Hancock will be permitted to collect documents from subpoenaed non-parties who are not represented by Lipsius-BenHaim Law LLP . Due to plaintiff's counsel's medical issues, plaintiff 's counsel is unable to appear in person at the pre-motion conference on January 26, 2012 and requests to be able to participate in the pre-motion conference by telephone.

Very truly yours,

LIPSIUS-BENHAIM LAW, LLP
Attorneys for Plaintiff


Ira S. Lipsius

Consented to:

KELLEY DRYE & WARREN LLP
Attorneys for Defendant

By:


Sean Flanagan

SO ORDERED: _____

SHIRLEY WRUBEL, AS TRUSTEE, v. JOHN HANCOCK
Docket No. 11-cv-01873

PROPOSED REVISED SCHEDULING ORDER

Stay of litigation for 30 days ¹	February 26, 2012
Fact Discovery and Exchange of Expert Reports Due	March 28, 2012
End Date for Expert Discovery	May 16, 2012
Parties intend to move for summary judgment	May 30, 2012

¹ Except that John Hancock will be permitted to collect documents from subpoenaed non-parties who are not represented by Lipsius-BenHaim Law, LLP.